

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

FORMAN HOLT ELIADES & RAVIN LLC
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Attorneys for Benjamin A. Stanziale, Jr., Trustee
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In re:

CRAIG T. CURRIE AND FANNY E. CURRIE,
Debtors.

BENJAMIN A. STANZIALE, JR., TRUSTEE,

Plaintiff,

v.

NEVIN K. SHAPIRO,
Defendant.

Chapter 7

Case No. 07-24799 (MS)

Adv. Pro. 09-2609

**NOTICE OF VOLUNTARY DISMISSAL OF ADVERSARY
PROCEEDING WITHOUT PREJUDICE**

TO: THE HONORABLE MORRIS STERN, U.S.B.J.

Benjamin A. Stanziale, Jr., the chapter 7 trustee (the "Trustee") for Craig T. Currie and Fannie E. Currie and the plaintiff in the above-captioned adversary proceeding, by and through his attorneys, Forman Holt Eliades & Ravin LLC, states the following:

1. On October 9, 2009, the Trustee commenced the above-captioned adversary proceeding by filing a complaint against Nevin K. Shapiro (the "Defendant") which, *inter alia*, sought to avoid alleged fraudulent transfers.

2. To date, Nevin K. Shapiro has not filed a responsive pleading to the Trustee's adversary proceeding complaint.

3. On November 30, 2009, an individual chapter 7 bankruptcy proceeding was filed against Nevin K. Shapiro in the United States Bankruptcy Court for the Southern District of Florida, Case No.: 09-36418-LMI, which is presently pending.

4. On December 30, 2009, an Order for Relief was entered.

5. The Order for Relief operates as an automatic stay of the Trustee's adversary proceeding against Shapiro per 11 U.S.C. §362.

6. Due to the automatic stay, the Trustee is unable to proceed with the adversary proceeding at this time and will pursue the estate's claim in the context of the Shapiro bankruptcy proceeding.

WHEREFORE, the Trustee now voluntarily dismisses the above-captioned adversary proceeding against the Defendant pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, without prejudice or costs to either party.

FORMAN HOLT ELIADES & RAVIN LLC
Attorneys for Benjamin A. Stanziale, Jr.
Chapter 7 Trustee

Dated: September 10, 2010

By: /s/ David S. Catuogno
David S. Catuogno, Esq. (DSC-1397)

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